



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/150,577	09/10/1998	DENNIS M. O'CONNOR	INTL-0100-US	6643

21906 7590 01/28/2003

TROP PRUNER & HU, PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024

EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 01/28/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 11

Application Number: 09/150,577
Filing Date: September 10, 1998
Appellant(s): O'CONNOR ET AL.

Timothy N. Trop
For Appellant

This is in response to the appeal brief filed 11/6/02.

EXAMINER'S ANSWER

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claim 1 grouped with claims 2-5, 16, and 17, claim 11 grouped with claims 13-14 and 20, and finally claim 21 grouped with claims 23-24, do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,134,499	Sata et al	7-1992
6,335,730	Gould	1-2002
5,432,769	Honjo	7-1995

.(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, and 16-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sata et al in view of Gould.

Sata et al discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claims 1, and 16, including the feature of allowing a first portion of a video stream to be written to a storage medium while a second portion of a video stream is being read from the storage medium as specified in the present claims 1, and 16 (See Sata et al's Figure 1, components 3-7).

Art Unit: 2615

Sata et al fails to specifically disclose the feature of the zoom function being applied to the reproduced second portion of the video stream as specified in the present claims 1, and 16.

Gould discloses a retrieving device including the feature of the zoom function as specified in the present claims 1, and 16. (See Gould's abstract, and Figure 18).

It would have been obvious to one skilled in the art to modify the Sata et al's recording/reproducing apparatus wherein the reproducing means provided thereof would incorporate the capability of applying a zoom function to the reproduced video data in the same conventional manner as is shown by Gould. The motivation being to better identify the reproduced video data display on the display means as suggested by Gould.

With regard to claims 2-3, and 17, the feature of the hard disk and the random access media recited thereof is present in the proposed combination indicated above. (See Sata et al's Figure 1, component 4).

With regard to claims 4-5, the feature of retrieving and displaying two or more frames as specified thereof is present in the proposed combination indicated above. (See Sata et al's Figure 1, component 3-7, and the corresponding disclosure), and furthermore, the feature of allowing the user to select the frames of the video stream as a starting point for playing back the video stream as specified thereof would be inherently present in the proposed combination indicated above, because, conventional disk reproducing apparatuses such as the one disclosed by the Sata et al's reproducing

Art Unit: 2615

apparatus already include the capability to randomly access and retrieving the recorded video signal from the disk recording medium at any position as desired.

Claims 11, 13-14, and 20, 21, 23, and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sata et al in view of Honjo.

Sata et al discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claims 11, 13, 20, and 24, including the feature of alternately writing and reading a video data to and from a recording medium as specified in the present claims 11, 13, 20, and 24. (See Sata et al's Figure 1, components 3-5).

Sata et al fails to specifically disclose the feature of storing in a temporary buffer the next portion of a video signal to be written to the recording medium as specified in the present claims 11, 13, 20, and 24.

Honjo discloses a video recording/reproducing apparatus which includes the feature of respectively storing in temporary buffers the next portion of a video signal to be written to the recording medium and moreover signal reproduced from the recording medium as specified in the present claims 11, 13, 20, and 24. (See Honjo's Figure 1, component 2, and Figure 4, component 11).

It would have been obvious to one skilled in the art to modify the Sata et al's recording/reproducing apparatus wherein the recording/reproducing means provided thereof would incorporate the capability of a buffer means for temporarily storing the video signal to be written on the storage medium and moreover signal reproduced from the recording medium in the same conventional manner as shown by Honjo. The

motivation being to have a better control over the transfer rate of data to the recording medium as suggested by Honjo.

With regard to claim 14, the feature of compressing the video data recited thereof is present in the proposed combination indicated above. (See Sata et al's Figure 4, component 102d).

With regard to claims 21, 23, the feature of the plurality of buffers recited thereof would be present in the proposed combination indicated above. (See Honjo's Figure 1, component 2, and Figure 4, component 11).

9. Claims 12, 15, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(11) Response to Argument

Appellant's arguments have been fully considered but they are not persuasive.

Regarding the Appellant's argument with respect to claim 1 in that the proposed combination of Sata and Gould fails to disclose the claimed feature of providing a zooming function to the second portion which is the portion that is being read from the storage medium while the first portion of the video signal is being written and that Gould does not teach doing the zoom function on the second portion while the first portion of the video stream is being written, Examiner disagrees.

It is to be noted that, as indicated in the above rejection, the cited reference of Sata does clearly disclose the claimed feature of writing a portion of video stream to a recording medium while another portion of a video stream is being read from the

recording medium. (Applicant's attention is directed to Sata's Figure 1, components 3-7, and claim 1, where it is disclosed a writing head which can move independently from a reading head, therefore, such a claimed feature of writing while reading video data to and from a storage medium is present in Sata). It is further to be noted that, Gould also does clearly disclose the feature of providing a zoom function to reproduced video data from a recording medium which reproduced video data as disclosed in Gould would be equivalent to the claimed second portion of the video stream. (See Gould's column 6, lines 29-63, and column 9, line 60, to column 10, line 5). Since, said second portion of video data is a reproduced video data from a recording medium. Therefore, when the cited reference of Sata is modified in view of Gould's apparatus for the purpose of incorporating in the Sata's reproducing means the capability of applying a zoom function to the reproduced data as shown by Gould as indicated in the above rejection and for the reasons indicated thereof, such a claimed invention as argued and claimed would be present in the proposed combination of Sata and Gould.

Furthermore, regarding to the Appellant's argument with respect to claim 11 in that the Board has determined that "multiplexing reads and writes" was not shown in Sata, Examiner disagrees. It is to be noted that such a feature of "multiplexing reads and writes..." argued by Appellant is not recited in the instant claim 11 of the present Application. The instant claim 11 of the present Application calls for "allowing portions of the video stream to be alternately written to and read from a storage device". It is further noted that such a claimed feature of allowing the video stream to be alternately written to and read from a storage medium is clearly present in Sata's Figure 1, components 3-

Art Unit: 2615

5, and claim 1, where it is disclosed a writing head which can move independently from a reading head, therefore, such a capability of alternating writing while reading video data to and from a storage device would be a present characteristic of Sata et al's apparatus because both heads (writing and reading) as disclosed are independently controlled.

Moreover, Regarding the Appellant's Remark with respect to claim 21 in that the limitations recited thereof have ever been specifically addressed in any office Action to date, Examiner disagrees.


In response, Appellant's attention is directed to the last paragraph of the Final Office Action (Paper No. 7) and to the Advisory Action. As indicated in the Final Action and the Advisory Action, the claimed feature of the buffer size being greater or equal to the time it takes to read or write from two buffers to and from the storage device would also be present in the proposed combination of Sata et al and Honjo. Because, such a proposed combination already includes the capability of reading and writing data to and from the two buffers at a time (See the buffers that would have to be incorporated before the recording means and after the reproducing means; and the capability of writing and reading at the same time, since, the heads are independently controlled). Therefore the size of the buffers would necessarily be at least equal to the time it takes to read and write to and from the buffers and to and from the storage device.

For the above reasons, it is believed that the rejections should be sustained.

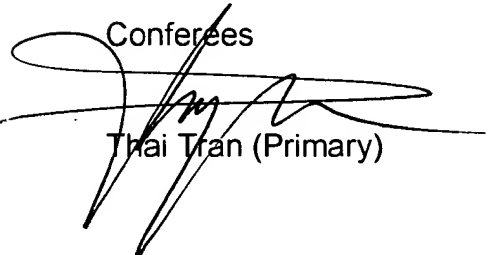
Application/Control Number: 09/150,577
Art Unit: 2615

Page 9

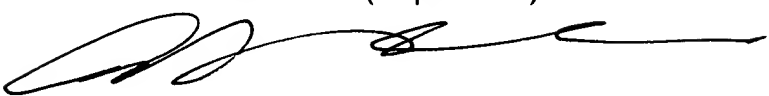
Respectfully submitted,


ROBERT CHEVALIER
PRIMARY EXAMINER
Robert Chevalier
January 25, 2003

Conferees


Thai Tran (Primary)

Andrew Christensen (Supervisor)


TIMOTHY N TROP
TROP PRUNER HU & MILES
8550 KATY FREEWAY
SUITE 128
HOUSTON, TX 77024